

4-204. Civil summons.

[For use with Rules 2-202, 3-202 NMRA in the Magistrate and Metropolitan Courts]

STATE OF NEW MEXICO

COUNTY OF _____
_____ COURT

_____, Plaintiff

v.

No. _____

_____, Defendant

CIVIL SUMMONS

TO: _____, Defendant¹

ADDRESS: _____

GREETINGS:

This summons notifies you that a complaint has been filed against you. A copy of the complaint and an answer form² are attached to this summons. You are required to serve and file an answer to the complaint, or a responsive pleading, within TWENTY (20) DAYS AFTER THE SUMMONS HAS BEEN SERVED ON YOU. You must file the answer or responsive pleading with the clerk of the (Magistrate) (Metropolitan) Court and you must serve a copy of the answer or responsive pleading on the opposing party.

IF YOU DO NOT FILE AND SERVE AN ANSWER OR RESPONSIVE PLEADING WITHIN THE TWENTY (20) DAY PERIOD, A DEFAULT JUDGMENT MAY BE ENTERED

(The following paragraph is for use only if summons issued by the Metropolitan Court.)

Your answer must be filed with the court which is located at: _____

_____ (street address of court)

Name: _____

Address: _____

RETURN

(complete the following, unless service by sheriff or deputy)³

I, being sworn, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in _____ county on the ____ day of _____, _____, by delivering a copy of this summons, a copy of the complaint and an answer *(indicate below how served)*:

*(complete if service by sheriff or deputy)*³

I certify that I served this summons in _____ county on the ____ day of _____, _____, by delivering a copy of this summons, a copy of the complaint and an answer form in the following manner:

(person serving summons must check one box and fill in appropriate blanks)

☐ by delivering a copy of this summons, a copy of the complaint and an answer form to the defendant, _____ *(used when defendant receives copy of summons or refuses to receive summons)*.

☐ by delivering a copy of this summons, a copy of the complaint and an answer form to _____, a person over fifteen (15) years of age and residing at the usual place of abode of the defendant, _____, located at _____ *(address) (used when defendant is not presently at the abode.)*

☐ by posting a copy of the summons, complaint and an answer form in the most public part of

the usual place of abode of _____ (*name of defendant*) located
at _____ (*address*) (*used if no person found
at dwelling house or usual place of abode*).

*(If service is by posting a copy of the summons, complaint and an answer form must also be
mailed to the person served. The person serving by posting and the person serving by mail
must each sign a return. The person mailing must check and complete the certificate of
mailing at the end of this summons.)*

[] by delivering a copy of this summons, a copy of the complaint and an answer form to
_____, an agent authorized to receive service of process for defendant.

[] by delivering a copy of this summons, a copy of the complaint and an answer form to
_____, (*parent*) (*guardian*) (*custodian*) of defendant (*used when defendant is
a minor or an incompetent person*).

[] by delivering a copy of this summons, a copy of the complaint and an answer form to
_____ (*name of person*), _____, (*title of person
authorized to receive service*) (*used when defendant is a corporation or an association
subject to a suit under a common name, a land grant board of trustees, the State of New
Mexico or any political subdivision*).

[] by service by mail.

Fees: _____

Signature of person making service

Title (if any)

Subscribed and sworn to
before me this _____
day of _____, _____

Judge, notary or other officer
authorized to administer oaths³

Official title

(To be completed if service is made by posting)⁴

I, being sworn, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served a copy of this summons on the ____ day of _____, _____, by mailing first class mail, postage prepaid, a copy of this summons, a copy of the complaint, and an answer form to:

_____ *(name of person served)*

_____ *(address where mailed)*

_____ *(county)*

_____ *(city, state and zip code)*

Signature of person making service

Title (if any)

Place of mailing

Date

Subscribed and sworn to
before me this _____
day of _____, _____

Judge, notary or other officer
authorized to administer oaths³

Official title

(To be completed if service is made by mail.)⁵

I, being sworn, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served a copy of this summons on the ____ day of _____, _____, by mailing first class mail, postage prepaid, a copy of this summons, a copy of the complaint, an answer form and two copies of the notice and acknowledgment and a return envelope, postage prepaid, addressed to:

_____ *(name of person served)*

_____ *(address where mailed)*

_____ (county)

_____ (city, state and zip code)

Signature of person making service

Title (if any)

Place of mailing

Date

Subscribed and sworn to before me
this _____ day of _____,
_____.

Judge, notary or other officer
authorized to administer oaths

Official title³

USE NOTES

1. A separate summons must be used for each defendant.
2. An answer form must be attached to the summons at the time of service. For answer forms, *see* Rules 4-301 and 4-302 NMRA.
3. If service is made by the sheriff or a deputy sheriff of a New Mexico county, the signature of the sheriff or deputy need not be notarized.

4. For use when service is by posting.
5. If service is by mail, Civil Form 4-208 must be completed and mailed with this summons.

[As amended, effective January 1, 1987; January 1, 1990; July 1, 1990; October 1, 1991; January 1, 1993; May 1, 1994; September 2, 1997.]